



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,514	01/27/2004	Barrie Gilbert	1482-177	2219
20575	7590	10/19/2006	EXAMINER	
MARGER JOHNSON & MCCOLLOM, P.C. 210 SW MORRISON STREET, SUITE 400 PORTLAND, OR 97204			JAGER, RYAN C	
			ART UNIT	PAPER NUMBER
			2816	

DATE MAILED: 10/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/766,514

Applicant(s)

GILBERT, BARRIE

Examiner

Ryan C. Jager

Art Unit

2816

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 02 October 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).


4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: 28-31.
Claim(s) objected to: 14, 16, 18, 20, 23 and 27.
Claim(s) rejected: 12, 13, 15, 17, 19, 21, 22, 24-26 and 32-36.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See attached response to arguments.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.


**LONG NGUYEN
PRIMARY EXAMINER**

Response to Arguments

1. Applicant's arguments filed 10/2/2006 have been fully considered but they are not persuasive.

Applicants argument regarding claim 12 that Kimura exhibits super-exponential rather than sub-exponential functions is not persuasive. First, the "sub-exponential current generator" may be able to produce currents having slightly different functions, there is no explicit recitation that the "sub-exponential current generator" recited can only produce sub-exponential currents. Second, the "sub-exponential current generator" produce first and second currents, there is no detail on the function exhibited by the currents.

With respect to applicants argument regarding claims 15, 19 and 24, the current the collector current of a transistor follows a substantially exponential path but since the gain factor the the transistor is less than 1 the actual collector current is less than the exponential curve used to model it.

Applicants first argument regarding claim 17, that Wallach is not pertinent art and does not disclose the manipulation of any analog signal, much less the squaring of an analog signal as recited in claim 17. Thus, the structure and function of Wallach is so different from that of claim 17 that Wallach cannot be considered reasonable pertinent. This argument is not persuasive because the examiner is aware Wallach is not a squaring cell, however, Wallach does teach that a circuit can be adjusted during operation, the examiner believes this to be more than enough for one of ordinary skill in the art to consider adjustment durning operation.

Applicants argument regardingn claim 17 that Wallach discloses no functionality (performing squaring and weighting functions simultaneously) that a person of ordinary skill in

Art Unit: 2816

th art would have turned to for guidance. However, this argument is not persuasive because the advantages of adjusting a circuit during operation, is a feature that is obviously advantageous to every circuit that needs adjustment that has ever been invented.

Applicants second argument regarding claim 17 that applicant is unaware of any authority for the proposition that a potentially beneficial result must be recited in the claim. This argument is not persuasive because, applicant has misunderstood the examiner. If the applicant wishes the examiner to consider the simultaneous scaling and weighting or new modes of operation this must be recited in the claim.

Applicants third argument regarding claim 17, that Wallach fails to identify all of the element of claim 17 in the cited references as well as any motivation or suggestion to modify or combine the reference. This argument is not persuasive, please see above arguments.

Applicants fourth argument regarding claim 17 that the control signal does not “adjust” a circuit as alleged by the examiner, it enables an entirely new mode of operation and additional functionality by allowing a squaring cell to perform squaring and weighting functions simultaneously, where the control signal serves as an additional input. This argument is not persuasive because there is no reference in the claims to, simultaneous scaling and weighting or new modes of operation. These features must be put in the claims to be considered.

The arguments regarding claim 17 are not persuasive and therefore the similar arguments regarding claim 26 are not persuasive.



LONG NGUYEN
PRIMARY EXAMINER